

REFERENCE TITLE: universities; entrance examinations; scores

State of Arizona
House of Representatives
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2006

HB 2323

Introduced by
Representative Allen J

AN ACT

AMENDING SECTION 15-1626, ARIZONA REVISED STATUTES; RELATING TO UNIVERSITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 15-1626, Arizona Revised Statutes, is amended to
3 read:

4 15-1626. General administrative powers of board

5 A. The board shall:

6 1. Have and exercise the powers necessary for the effective governance
7 and administration of the institutions under its control. To that end, the
8 board may adopt, and authorize each university to adopt, such regulations,
9 policies, rules or measures as are deemed necessary and may delegate in
10 writing to its committees, to its university presidents, or their designees,
11 or to other entities under its control, any part of its authority for the
12 administration and governance of such institutions, including those powers
13 enumerated in section 15-1625, subsection B, paragraphs 2 and 4, paragraphs
14 3, 4, 7, 8, 10 and 11 of this subsection and subsection B of this section.
15 Any delegation of authority may be rescinded by the board at any time in
16 whole or in part.

17 2. Appoint and employ and determine the compensation of presidents
18 with such power and authority and for such purposes in connection with the
19 operation of the institutions as the board deems necessary.

20 3. Appoint and employ and determine the compensation of
21 vice-presidents, deans, professors, instructors, lecturers, fellows and such
22 other officers and employees with such power and authority and for such
23 purposes in connection with the operation of the institutions as the board
24 deems necessary, or delegate its authority pursuant to paragraph 1 of this
25 subsection.

26 4. Remove any officer or employee when the interests of education in
27 this state so require in accordance with its personnel rules and policies.

28 5. Fix tuitions and fees to be charged and differentiate the tuitions
29 and fees between institutions and between residents, nonresidents,
30 undergraduate students, graduate students, students from foreign countries
31 and students who have earned credit hours in excess of the credit hour
32 threshold, except students whose chosen program requires for a degree
33 additional credit hours above the credit hour threshold. For the purposes of
34 this paragraph, the credit hour threshold is one hundred fifty-five hours in
35 fiscal year 2006-2007, one hundred fifty hours in fiscal year 2007-2008 and
36 one hundred forty-five hours after fiscal year 2007-2008. The amount of
37 tuition, registration fees and other revenues included in the operating
38 budget for the university adopted by the board as prescribed in paragraph 12
39 of this subsection shall be deposited, pursuant to sections 35-146 and
40 35-147. All other tuition and fee revenue shall be retained by each
41 university for expenditure as approved by the board. Except as provided in
42 subsection H of this section, the Arizona board of regents shall adopt rules
43 to govern its tuition and fee setting process that provide for the following:

1 (a) At least one public hearing at each university as an opportunity
2 for students and members of the public to comment upon any proposed increase
3 in tuition or fees.

4 (b) Publication of the notice of public hearing at least ten days
5 prior to the hearing in a newspaper of general circulation in Maricopa
6 county, Coconino county and Pima county. The notice shall include the date,
7 time and location of the public hearing.

8 (c) Public disclosure by each university of any proposed increases in
9 tuition or fees at least ten days prior to the public hearing.

10 (d) Final board action on changes in tuition or fees shall be taken by
11 roll call vote.

12 The procedural requirements of subdivisions (a), (b), (c) and (d) apply only
13 to those changes in tuition or fees that require board approval.

14 6. Pursuant to section 35-115, submit a budget request for each
15 institution under its jurisdiction that includes the estimated tuition and
16 fee revenue available to support the programs of the institution as described
17 in the budget request. The estimated available tuition and fee revenue shall
18 be based on the tuition and registration fee rates in effect at the time the
19 budget request is submitted with adjustments for projected changes in
20 enrollment as provided by the board.

21 7. Establish curriculums and designate courses at the several
22 institutions which in its judgment will best serve the interests of this
23 state.

24 8. Award such degrees and diplomas upon the completion of such courses
25 and curriculum requirements as it deems appropriate.

26 9. Prescribe qualifications for admission of all students to the
27 universities. THE BOARD SHALL REQUIRE STUDENTS WHO ARE APPLYING FOR
28 ADMISSION TO LIST ON THE APPLICATION THE APPLICANT'S SCORES ON EACH COMPONENT
29 OF THE SCHOLASTIC ASSESSMENT TEST, THE AMERICAN COLLEGE TEST OR A NATIONALLY
30 RECOGNIZED PLACEMENT TEST. The board shall establish policies for guaranteed
31 admission that assure fair and equitable access to students in this state
32 from public, private, charter and home schools. For the purpose of
33 determining the qualifications of honorably discharged veterans, veterans are
34 those persons who served in the armed forces for a minimum of two years and
35 who were previously enrolled at a university or community college in this
36 state. No prior failing grades received by the veteran at the university or
37 community college in this state may be considered.

38 10. Adopt any energy conservation standards promulgated by the
39 department of administration for the construction of new buildings.

40 11. Employ for such time and purposes as the board requires attorneys
41 whose compensation shall be fixed and paid by the board. Litigation to which
42 the board is a party and for which self-insurance is not provided may be
43 compromised or settled at the direction of the board.

44 12. Adopt annually an operating budget for each university equal to the
45 sum of appropriated general fund monies and the amount of tuition,

1 registration fees and other revenues approved by the board and allocated to
2 each university operating budget.

3 13. In consultation with the state board of education and other
4 education groups, develop and implement a program to award honors
5 endorsements to be affixed to the high school diplomas of qualifying high
6 school pupils and to be included in the transcripts of pupils who are awarded
7 endorsements. The board shall develop application procedures and testing
8 criteria and adopt testing instruments and procedures to administer the
9 program. In order to receive an honors endorsement, a pupil must demonstrate
10 an extraordinary level of knowledge, skill and competency as measured by the
11 testing instruments adopted by the board in mathematics, English, science and
12 social studies. Additional subjects may be added at the determination of the
13 board. The program is voluntary for pupils.

14 14. Require the publisher of each literary and nonliterary textbook
15 used in the universities of this state to furnish computer software in a
16 standardized format when software becomes available for nonliterary
17 textbooks, to the Arizona board of regents from which braille versions of the
18 textbooks may be produced.

19 15. Require universities that provide a degree in education to require
20 courses that are necessary to obtain a provisional structured English
21 immersion endorsement as prescribed by the state board of education.

22 B. The board shall adopt personnel rules. All nonacademic employees
23 of the universities are subject to these rules except for university
24 presidents, university vice-presidents, university deans, legal counsel and
25 administrative officers. The personnel rules shall be similar to the
26 personnel rules under section 41-783. The rules shall include provisions for
27 listing available positions with the department of economic security,
28 competitive employment processes for applicants, probationary status for new
29 nonacademic employees, nonprobationary status on successful completion of
30 probation and due process protections of nonprobationary employees after
31 discharge. The board shall provide notice of proposed rule adoption and an
32 opportunity for public comment on all personnel rules proposed for adoption.

33 C. The Arizona board of regents may employ legal assistance in
34 procuring loans for the institutions from the United States government. Fees
35 or compensation paid for such legal assistance shall not be a claim upon the
36 general fund of this state but shall be paid from funds of the institutions.

37 D. The board shall approve or disapprove any contract or agreement
38 entered into by the university of Arizona hospital with the Arizona health
39 facilities authority.

40 E. The board may adopt policies which authorize the institutions under
41 its jurisdiction to enter into employment contracts with nontenured employees
42 for periods of more than one year but not more than five years. The policies
43 shall prescribe limitations on the authority of the institutions to enter
44 into employment contracts for periods of more than one year but not more than
45 five years, including the requirement that the board approve the contracts.

1 F. The board may adopt a plan or plans for employee benefits which
2 allow for participation in a cafeteria plan that meets the requirements of
3 the United States internal revenue code of 1986.

4 G. The board may establish a program for the exchange of students
5 between the universities under the jurisdiction of the board and colleges and
6 universities located in the state of Sonora, Mexico. Notwithstanding
7 subsection A, paragraph 5 of this section, the program may provide for
8 in-state tuition at the universities under the jurisdiction of the board for
9 fifty Sonoran students in exchange for similar tuition provisions for up to
10 fifty Arizona students enrolled or seeking enrollment in Sonoran colleges or
11 universities. The board may direct the universities to work in conjunction
12 with the Arizona-Mexico commission to coordinate recruitment and admissions
13 activities.

14 H. Subsection A, paragraph 5, subdivisions (a), (b), (c) and (d) of
15 this section do not apply to fee increases that are set by individual
16 universities and that do not require approval by the Arizona board of regents
17 before the fee increase becomes effective.